

| PROCEEDINGS OF THE DAY                                                                                                                                                          |                                                                                                        | 58                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Day and Date                                                                                                                                                                    | Wednesday and 28.08.2024                                                                               |                                                                                              |
| Complaint No.                                                                                                                                                                   | CR/4821/2023 Case titled as Hari Kishore Sahu VS BPTP Limited & Country Wide Promoters Private Limited |                                                                                              |
| Complainant                                                                                                                                                                     | Hari Kishore Sahu                                                                                      |                                                                                              |
| Represented through                                                                                                                                                             | Ms. Ada Khursheed Advocate                                                                             |                                                                                              |
| Respondent                                                                                                                                                                      | BPTP Limited & Country Wide Promoters Private Limited                                                  |                                                                                              |
| Respondent Represented through                                                                                                                                                  | Sh. Harshit Batra Advocate                                                                             |                                                                                              |
| Last date of hearing                                                                                                                                                            | 29.05.2024                                                                                             |                                                                                              |
| Proceeding Recorded by                                                                                                                                                          | Mahavir Sharma and Manju Bala                                                                          |                                                                                              |
| <b>Proceedings</b>                                                                                                                                                              |                                                                                                        |                                                                                              |
| The present complaint was received on 25.10.2023 and registered as complaint no. 4821 of 2023 and reply was received on 15.05.2024.                                             |                                                                                                        |                                                                                              |
| The counsel for the respondent has submitted that the nomenclature of the towers were changed and as per the said changes made, the name of Tower-N stands changed to Tower-11. |                                                                                                        |                                                                                              |
| Succinct facts of the case as per complaint and annexures are as under: -                                                                                                       |                                                                                                        |                                                                                              |
| S. N.                                                                                                                                                                           | Particulars                                                                                            | Details                                                                                      |
| 1.                                                                                                                                                                              | Name and location of the project                                                                       | "SPACIO", Sector-37D, Gurugram, Haryana.                                                     |
| 2.                                                                                                                                                                              | Project area                                                                                           | 43.558 Acres.                                                                                |
| 3.                                                                                                                                                                              | Nature of Project                                                                                      | Group Housing Colony                                                                         |
| 4.                                                                                                                                                                              | DTCP license no. and validity status                                                                   | 1. 83 of 2008 dated 05.04.2008<br>Valid upto<br>2. 94 of 2011 dated 24.10.2011<br>Valid upto |
| 5.                                                                                                                                                                              | Name of Licensee                                                                                       | M/s Super Belts Pvt. Ltd.                                                                    |



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/4821/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

|     |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                     | C/o M/s Countrywide Promoters Pvt. Ltd.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6.  | Rera registered/ not registered and validity status | <b>Registered</b><br>(For Tower-8 to Tower-13) (10.22 acres)<br>300 of 2017 dated 13.10.2017<br>Valid upto 12.10.2020                                                                                                                                                                                                                                                                                                                                                           |
| 7.  | Unit No.                                            | N-1705, 17 <sup>th</sup> Floor, Tower-N<br>(As per page no.94 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8.  | Unit area admeasuring                               | 1865 sq. ft. (super area)<br>(As per page no.94 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9.  | Welcome Letter                                      | 12.08.2019<br>(As per page no.29 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10. | Allotment letter                                    | 12.08.2019<br>(As per page no.30 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11. | Date of execution of buyer agreement                | 29.01.2021<br>(As per page no.83 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12. | Possession clause                                   | 2.7 Commitment Period<br>"...The seller /confirming party shall offer the possession of the unit to the purchaser(s) within a period of 30 months from the date of flat buyer's agreement."<br>7.1 Possession and holding charges<br>"The applicant further agrees and understands that the seller/confirming party shall additionally be entitled to grace period of six (6) months after the expiry of the said commitment period for making an offer of possession of unit." |
| 13. | Due date of possession                              | 29.07.2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 14. | Basic Sale Consideration                            | Rs.71,91,369/-<br>(As per page no.94 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 15. | Amount paid by complainant                          | Rs.89,82,824.70/-<br>(As alleged by the complainant at page no.23 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                 |
| 16. | Occupation Certificate                              | 30.07.2020<br>(for tower-T8, T9, T11 & EWS Block-A&B)<br>(As per page no.55 of reply)<br><b>And</b><br>15.01.2021<br>(for tower-T10, T12, T13 & EWS Block-B)                                                                                                                                                                                                                                                                                                                    |



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New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. हा. विन्ध्याम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

|     |                                                                 |                                                 |
|-----|-----------------------------------------------------------------|-------------------------------------------------|
|     |                                                                 | (As per page no.59 of complaint)                |
| 17. | Offer of possession                                             | 21.08.2020<br>(As per page no.63 of complaint)  |
| 18. | Notice for Termination                                          | 18.08.2021<br>(As per page no.118 of complaint) |
| 19. | NOC<br>(For giving the possession<br>for carrying out fit-outs) | 31.08.2021<br>(As per page no.120 of complaint) |
| 20. | Conveyance deed                                                 | 03.09.2021<br>(As per page no.125 of complaint) |

The counsel for the complainant states that the unit is still incomplete and the BBA was executed under threat of termination and that too after acceptance of more than 10% of the sale consideration. Therefore, DPC should be allowed till the actual date of handing over of possession to the complainant and refers to email dated 08.05.2022 at page 143 of complaint wherein it has been stated that the respondent intends to handover possession of the unit at the earliest.

The counsel for the respondent rebuts the arguments of the counsel for the complainant and states that there is no document on record to prove her contention.

Arguments heard.

Order reserved.

Parties may file written submissions with a period of two weeks with advance copy to each other.

Matter to come up on 09.10.2024 for pronouncement of order.

Ashok Sangwan  
Member  
28.08.2024